

REMARKS

This preliminary amendment is being submitted prior to a first Office Action of the present application. However, the present application is a continuation of Application Serial No. 09/325,687 (the "Parent Application"). In the Parent Application, an Office Action was mailed on August 28, 2001. Applicants have carefully reviewed the Office Action mailed August 28, 2001. Applicants have addressed the rejections of the August 28, 2001 Office Action, below. Applicants respectfully request reconsideration and favorable action in the present application.

The Examiner rejects Claims 1-20 under 35 U.S.C. § 102(e) and/or 103(a), as being unpatentable over U.S. Patent No. 5,982,776 issued to Manning et al. ("*Manning*"). Applicants respectfully contend that *Manning* is no longer available as a reference under 102(e) due to the recent revisions to 35 U.S.C. § 103(c).

Section 102 Rejections (Manning)

The Examiner rejects Claims 1-3, 10, and 14-20 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,982,776 issued to Manning et al. ("*Manning*"). Applicants respectfully traverse this rejection.

As discussed above, Applicants respectfully contend that *Manning* is no longer available as a reference. Therefore, Applicants respectfully request reconsideration of this rejection by the Examiner.

Section 103 Rejections

The Examiner rejects Claims 1-13 under 35 U.S.C. § 103(a) as being unpatentable over *Wu* in view of *Manning*. Applicants respectfully traverse this rejection.

As discussed above, Applicants contend that *Manning* is no longer available as a reference. Therefore, the arguments below focus on the *Wu* reference, alone.

Claims 1 and 10 are patentable over *Wu* because *Wu* does not disclose, teach, or suggest, all of the claimed elements. For example, Claims 1 and 10 recite a "plurality of transmission line interfaces, the transmission line interfaces each including a

scheduler to transmit traffic in port transmission slots allocated to the transmission line interface." In the Office Action mailed August 28, 2001, the Examiner states that "[Wu] discloses all of the limitations of Claims 1 and 10 except it does not teach a plurality of line interfaces each including a scheduler..." (*see* Office Action, p. 5, second full paragraph). In fact, the Examiner goes on to state that the "Examiner agreed to the fact that the reference does not teach a plurality of schedulers corresponding with a plurality of input processing units is not taught [by Wu] (Claims 1, 10, and 21...)" (*see* Office Action, p. 6, second full paragraph). For at least these reasons, Applicants respectfully contend that Claims 1 and 10 are patentable over *Wu*.

Claims 2-9 and 11-12 each depend, either directly or indirectly, from independent Claims 1 or 10. Therefore, for at least the reasons discussed above with regard to claims 1 and 10, each of Claims 2-9 and 11-12 are patentable over *Wu*.

Section 102 Rejections (Wu)

The Examiner rejects Claims 21-32 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,771,234 issued to Wu et al. ("*Wu*"). Applicants respectfully traverse this rejection.

Amended Claim 21 is directed to a method for transmitting traffic in a virtual tunnel of a transmission line, and includes the limitation "allocating the hierarchical set of port transmission slots to one of a plurality of transmission line interfaces, each transmission line interface having a corresponding scheduler coupled thereto...". As discussed above with regard to Claims 1 and 10, *Wu* does not disclose, teach or suggest each of these limitations. For at least this reason, Claim 21 is patentably distinguishable from *Wu*.

Claims 22-25 each depend from Claim 21. Therefore, Applicants respectfully contend that Claims 22-25 are patentable distinguishable from *Wu*, for example, for the same reasons discussed above with regard to Claim 21.

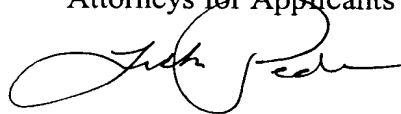
CONCLUSIONS

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

The Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully Submitted,

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